

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA, : CR 00-196

:

-against- :

United States Courthouse

Brooklyn, New York

LAWRENCE RAY, :

July 31, 2007

Defendant. : 9:30 o'clock a.m.

----- X

TRANSCRIPT OF CONFERENCE
BEFORE THE HONORABLE I. LEO GLASSER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:

ROSLYNN MAUSKOPF
United States Attorney
BY: JONATHAN GREEN
Assistant United States Attorney
One Pierrepont Plaza
Brooklyn, New York

For the Defendant:

LOUIS FREEMAN, ESQ.

Court Reporter:

Gene Rudolph
225 Cadman Plaza East
Brooklyn, New York
(718) 613-2538

Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 THE COURT: I am told your client refused to come
2 in.

3 MR. FREEMAN: Your Honor, I am surprised. I saw him
4 yesterday. We spent hours together and he knows --

5 THE MARSHAL: He refused to come in. They went to
6 pick him up at the jail. He refused to come in.

7 MR. FREEMAN: He knows that I was asking for an
8 adjournment and he knew the reasons. I went over the letter
9 with him. I had just submitted it before I went to see him.

10 THE COURT: All right. We will proceed.

11 Mr. Freeman wishes to adjourn this matter to, I
12 think, we have September 11th?

13 THE CLERK: Yes.

14 THE COURT: I understand you have some objection to
15 that, Mr. Green.

16 MR. GREEN: Your Honor, I am not sure if I do. I
17 think I misunderstood the Court's ruling and I just want to be
18 clear.

19 My understanding was that the Court had ruled that
20 four of the charges were sustained, one of them was dismissed,
21 and then one charge, the charge concerning domestic violence,
22 that's charge number two, the Court was inclined to sustain it
23 but stayed that ruling pending additional evidence that the
24 defendant wanted to submit.

25 I understand from Mr. Freeman's letter that that is

1 not the case, and in fact the Court sustained five charges and
2 dismissed one.

3 If that is the case, and I see from the Court's
4 nodding --

5 THE COURT: That's correct.

6 MR. GREEN: Okay. If that's the case and
7 Mr. Freeman simply wishes to submit evidence on sentencing and
8 agrees that the defendant is to remain in custody pending
9 sentencing, then I have no objection to an adjournment until
10 September.

11 My understanding was that the defendant wanted to
12 submit additional evidence on the charges, which -- to which I
13 objected. If it is just sentencing, I don't have an objection
14 to a reasonable adjournment.

15 THE COURT: If Mr. Freeman wishes to make a motion
16 to open his case, you would have an objection to that?

17 MR. GREEN: I would, Your Honor.

18 THE COURT: On what ground?

19 MR. GREEN: The government went forward and -- I
20 mean, it would depend somewhat on the nature of the evidence,
21 if I saw it beforehand and whatnot. But the government went
22 forward and I don't think it is appropriate for the defendant
23 to observe the government's case and then have as much time as
24 he wishes to prepare his response.

25 THE COURT: Mr. Green, whether or not the motion to

1 reopen the case will or will not be granted, my understanding
2 is, and I think I am correct, rests entirely in my discretion.

3 MR. GREEN: I agree, Your Honor.

4 THE COURT: If Mr. Freeman should make such an
5 application, I would be inclined to grant it, just in the
6 interests of fairness and justice.

7 If you would like to reopen your case, Mr. Green,
8 you can make an application to do that as well.

9 MR. GREEN: I appreciate that, Judge.

10 THE COURT: Mr. Freeman, I think we have
11 September 11th.

12 MR. FREEMAN: Yes, Judge.

13 Thank you.

14 THE COURT: At 11:00 o'clock, I think.

15 THE CLERK: Yes.

16 THE COURT: Is that all right?

17 MR. FREEMAN: It is fine.

18 THE COURT: I realized after we all left, was it one
19 day last week, I didn't give either of you an opportunity to
20 make closing arguments. I don't know if you wish to do so.
21 But I think you will probably take advantage of that
22 opportunity when we appear next.

23 MR. FREEMAN: Thank you, Judge.

24 If -- if I think it is necessary or helpful to my
25 client's case, I will make an application to Your Honor to

1 have the opportunity to say something by way of closing.

2 I would like to put on the record that when we were
3 last before you, I mentioned the tape recording that I would
4 like to submit, if I can find it, I can isolate it and it's
5 audible.

6 In the process of finding that tape recording, I
7 found five other tape recordings which are not necessarily
8 relevant, and whether or not I am required to turn those calls
9 over, I did so on the CD this morning.

10 There is one phone call that I am looking for, that
11 if it exists, should be relevant and so because I mentioned
12 that call in advance, it wouldn't be something that I would
13 find, you know, down the line and surprise the government
14 with.

15 If I find that phone call, that is the object that I
16 would -- I should say, excuse me, the evidence that I would
17 seek to admit.

18 THE COURT: I think you made that pretty clear the
19 last time we were here. If I recall our colloquy accurately,
20 I expressed some doubt as to whether there would be a tape on
21 which Ms. Herman induced Mr. Ray to assault her, which is what
22 I gathered you thought this tape would reveal.

23 In any event, Mr. Freeman, when you find that tape,
24 if you think that it has some relevance to anything which
25 pertains to your client, I will be happy to listen to it.

1 All right. The Rules of Evidence are not
2 applicable, as I'm sure you are aware.

3 MR. FREEMAN: Yes.

4 THE COURT: So that you have a lot of leeway. If
5 you believe the Court should be informed fully with respect to
6 anything that may have some bearing upon your case, I will be
7 happy to hear it.

8 Is there anything else?

9 MR. FREEMAN: No.

10 Thank you.

11 MR. GREEN: Nothing from the government.

12 Thank you, Your Honor.

13 THE COURT: You are welcome.

14 September 11th, at 11:00 o'clock.

15 MR. GREEN: Thank you, Judge.

16 MR. FREEMAN: Have a good holiday, Judge.

17 (Matter concludes.)
18
19
20
21
22
23
24
25

